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September 30, 1988

Donald A. Normandeau, Ph.D.
Executive Director
Fish and Game Department
2 Hazen Drive
Concord, New Hampshire 03301

Supreme Court copy.

Dear Dr. Normandeau:

You have requested this office's advice relative to whether conservation officers' use of privately owned firearms could expose the State to greater liability than use of department issued firearms. I understand the Department's present policy is to permit the use of privately owned firearms subject to approval by the Major. In issuing such approval, the Major must determine that the following criteria has been satisfied: (1) that the firearm has been inspected by a certified departmental armorer; (2) that the permitted officer has qualified with the firearm; and (3) that the ammunition has been approved by a certified departmental armorer. The guidelines provide that each of these requirements be satisfied annually.

It is our opinion that, if the Department strictly adheres to these guidelines, the use by conservation officers of privately owned weapons will not expose the Department or the State to any greater liability than presently exists with the use of department issued weapons. However, it would also seem that if there are significant advantages to using certain types of privately owned firearms, the Department may want to consider purchasing these weapons for its officers.

I trust this letter is responsive to your inquiry. Please feel free to contact me should you require additional assistance.

Sincerely,

Leslie J. Ludtke
Assistant Attorney General



LJL/sed
#0-88-018